



Town of Colchester

Town Manager's Office

P.O. Box 55, 835 Blakely Road
Colchester, Vermont 05446

3 July 2007

Mr. Erik A. Puttlitz
43 Overlake Drive
Colchester, VT 05446

Dear Mr. Puttlitz:

Thank you for your letter of June 21. Based on our previous conversations, I did schedule a discussion on leaf burning with the Select Board. Unfortunately that night I was unable to be at that Select Board Meeting. I understand from both staff and the Chair, the spokeswoman representing your position was unable to convey persuasively an incremental change to the existing ordinance. As a consequence the Select Board took no action to change the Town's policy on open burning.

Reference your desire for a refund, property taxes are assessed on the basis of the value of (a) property – not whether the property is occupied year round (100% of the time). To pursue litigation, the Superior Court has jurisdiction in this matter. The Town is both bound by and abides by the laws of Vermont and the United States. Taxes are assessed by Statute. The Town's response will rest on those laws.

In regards to your desire to convey your concerns to the press, the Town supports public discussion of municipal policy. As noted to you in a letter from Secretary Crombie of the Vermont Agency of Natural Resources, the State Air Pollution Control Regulations "generally allow people to burn natural wood, leaves and brush on their own property..." For your information, the Town's open burning ordinance specifies that a permit for a fire is required from the Fire Warden. Finally the Town has looked at transporting bagged leaves to the Chittenden Solid Waste District facility. The costs for this service relative to other expenses the Town has as obligations was deemed too expensive within the parameters established to control tax growth.

Since the next burning dates will not occur until October/November 2007, there remains opportunity for further discussion on open burning. As we move into early Fall, I will begin again to introduce this subject for discussion by the Town. How that discussion evolves will, in part, be dependent upon on the setting of the stage in which it is discussed. The public, whether that be all the Townspeople, advocacy groups, or an individual, always set the arena for discussion. To achieve change will necessitate a strategy that incorporates respect and understanding to elicit the empathy being sought to resolve a unique problem for the common good.

Cordially,

Albin D. Voegelé
Town Manager

cc: Select Board
George Crombie, Sec'y, ANR
Michael Chmielewski, Fire Warden

Select Board

L. Richard Paquette
Edward Ploof, Jr.
Marc Landry
Roger Derby
Brian McNeil

Town Manager

Albin D. Voegelé
264-5501

Chief Financial Officer

Joan Boehm
264-5502

Human Resource Manager

Sherry LaBarge
264-5504

Administrative

Assistant
Anja Twite
264-5500

Fax Number

(802) 264-5503

Erik Puttlitz
43 Overlake Drive
Colchester, VT 05446

June 21st, 2007

RECEIVED

JUN 25 2007

TOWN MANAGER'S OFFICE

To: Albin Voegele
835 Blakely Road
PO Box 55
Colchester, Vermont 05446

Re: Open Burning in Colchester – prior correspondences follow-up

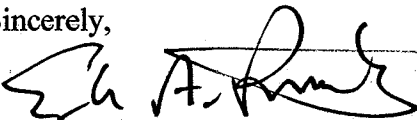
Mr. Voegele:

It has been 6 weeks since I sent you a letter regarding compensation I feel I am owed from the Town of Colchester due to it's support of the current Open Burning policy which causes me and my family to be unable to use our home for 8 days/year. I feel that I was more than fair and respectful in my request and am disappointed to not have received any communication from you or the Town of Colchester regarding my complaint. It appears that my next step is to move my request into a courtroom and talk to the media which I am prepared to do if I am unable to resolve my complaint with the Town. I have enclosed my letter to you from 5/16/07 for your reference.

Additionally, it has been approx. 2 ½ months since we talked about changing the Town of Colchester's current Open Burning policy. At that time, you mentioned that you were going to work on a draft to change the current regulations to not allow Open Burning in residential neighborhoods. I would appreciate an update on this work and wanted to let you know that I have started to pursue other avenues with the State of Vermont since the Town of Colchester has done nothing up to this point in time. Please find enclosed a letter from the Vermont Agency of Natural Resources. I have yet to follow-up with them, as I wanted to give you and the Town of Colchester a chance to respond. Note that in this letter from the State of Vermont, again it mentions that the Chittenden Solid Waste Management District will take leaves and yard wastes, something that I have previously mentioned to you both on the phone and in the email I sent to you in May, 2007.

Thank you for your attention in these matters, I await your timely response.

Sincerely,



Erik A. Puttlitz



State of Vermont
Office of the Secretary
103 South Main Street, Center Building
Waterbury, VT 05671-0301

[phone] 802-241-3600
[fax] 802-244-1102

Agency of Natural Resources

June 13, 2007

Mr. Erik Puttlitz
43 Overlake Drive
Colchester, Vermont 05446

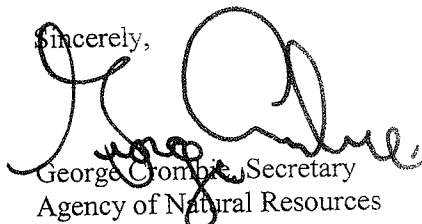
Dear Mr. Puttlitz,

I have received your e-mail message to Governor Douglas' office articulating your concerns about debris and leaf burning in the Mallets Bay area of Colchester. I am also aware that you sent a similar e-mail message to the Air Pollution Control Division of this Agency ("Air Division"). The Air Division staff responded to that message on April 26th. I wanted to reaffirm the response from the Air Division and let you know that the Agency shares your concern about the potential adverse health effects of such open fires.

As the Air Division advised you, the state Air Pollution Control Regulations generally allow people to burn natural wood, leaves and brush on their own property; however, the Agency encourages municipalities (especially densely populated ones like Colchester) to limit such burning as much as possible through local ordinances and enforcement. If you decide to continue your attempts to update Colchester's ordinances to better address this issue, my staff would be happy to assist you. I agree that, among other options, Colchester should consider allowing this burning on a permit basis only. The Air Division can provide you with example and model ordinances for regulating open burning, as well as information regarding its health impacts. Please contact Phil Etter (telephone: 802-241-3847) for further information or if you have questions. The American Lung Association of Vermont is also a good source of information about the health impacts of open fires (telephone: 802-863-6817).

Finally, I want to remind you about local resources that are available to you to deal with this problem. The Chittenden Solid Waste Management District serves Colchester and accepts wood and yard wastes, generally at no charge. I believe they would support any effort to redirect natural wood wastes toward more beneficial uses, such as composting and wood chip fuel. See their Web site (<http://www.cswd.net/whattodo/#yard>). Also, in situations where smoke from open fires is causing a substantial hazard or risk to public health (including your son's health), the Colchester Town Health Officer may be able to issue a health order to immediately stop the burning.

Sincerely,



George Crombie, Secretary
Agency of Natural Resources

cc: Albin Voegele, Town Manager, Colchester

RE: LETTER FROM STATE OF VT.